



**Confederation of Resident & Ratepayer
Associations in Toronto**

203A/881A Jane Street
Toronto, Ontario. M6N 4C4
16 November, 2021

To: phc@toronto.ca

To: The Chair and Members
Planning and Housing Committee

Re: Amendments to 569-2013 Governing Laneway Suites
The Gladki Report and Changing Lanes Report

SUMMARY OF POINTS RAISED IN THIS LETTER

- 1. The Notice of Meeting was not accompanied by the proposed zoning changes as such the notice is deficient, and the matter should at a minimum be adjourned for one month to meet the Official Policies.**
- 2. Both the Gladki Report and the Changing Lanes Report fail to comply with the requirements of the Official Plan which requires one to balance the need for housing with the policies which encourage tree canopy, green space and sustainable development.**
- 3. Based on the Gladki Report, there have been over 300 building permit applications with 74% being able to comply, and the examples that are referenced in support of the height increase (7) or rear soft landscape provision (10) out of the total number of building permit applications do not provide persuasive evidence to support the need for the proposed amendments.**
- 4. The report should be sent back for a detailed review and consideration of the comments of adjacent neighbours and weighing fully all relevant Official Policies.**

DEFICIENCY IN NOTICE – NONCOMPLIANCE WITH THE OFFICIAL PLAN AND THE PLANNING ACT

The Confederation of Resident and Ratepayers Associations in Toronto (CORRA) while commenting on the materials provided wishes to preserve its rights to provide further comments upon seeing the actual draft amendments.

The notice in the Star indicating that writing to City Planning would provide one with the background material and the Zoning Amendments. The response provided to CORRA did not include the proposed amendments or the report supporting the same contrary to what the advertisement implied. CORRA was advised the amendments would be available less than 10 days before the statutory public meeting.

Official Plan in Chapter 5.5 The Planning Process and more specifically Policy 5.5.1 c) iv, stipulates that Council will endeavour to have such amendments available for review at least 10 days prior to the statutory public meeting.

The Planning Act sets out minimum standards for notice but indicates where the Official Plan sets out higher standards, these must be met. Respectfully the notice in this case does not meet the requirements of the Official Plan.

While the present policy of Council is that a planning report will not be released to the public before it is released to the Committee, this does not in regard to statutory public meetings meet the test set out to endeavor to provide at least 10 days notice. The former City of Toronto resolved this by having a report requesting a public statutory meeting which included the draft zoning and supporting material go to the Committee for consideration at one meeting and then holding the Public Statutory Meeting at the next or such other committee meeting the Councillors felt was needed, thus meeting both requirements. There is no reason Council cannot adopt such a policy in regard to all zoning amendments thereby ensuring Councillors have input re notice and timing of the public statutory meeting and meeting the requirement of the Official Plan policy of giving at least ten days notice .

CORRA therefore requests this matter be adjourned to permit compliance with the Official Plan and Planning Act to provide adequate notice.

What follows is CORRA's commentary in regard to the recommendations in the Changing Lanes Report.

COMMENTARY ON THE CHANGING LANES REPORT

While there are references to Official Plan policies that support the thrust of the Report's recommendations, CORRA notes there are no references to 2.3.1 Healthy

Neighbourhoods Policy. Policy 2.3.1.1 makes reference to stability and open space character as important considerations in regard to *Neighbourhoods*. Similarly Built Form Policy 3.1.1.16 stipulates the protection, provision and maintenance of trees and their growing spaces above and below ground. It appears the report focus on the need for housing without considering the other policies, contrary to Policy 5.6.1 that directs the plan should be read as a whole to understand its comprehensive and integrative intent. The report by only focusing on certain policies is not a proper reading of the Official Plan.

Further the thrust of the report seems to focus solely upon limitations on building laneway housing with scant regard to the impacts of the same on adjacent properties.

The Planning Department appears to find the need to provide many types of built forms is more important than other Official Plan policies. These policies are reflected in the City's desire to increase canopy growth, to discourage the paving over of green space with the resultant impacts on drainage and the creation of heat islands that impact on climate change.

The Provincial Policy framework also references the need to provide sustainable development.

The failure to reflect an appropriate balance between the need for housing and other policies, runs throughout the report. The Gladki Report has some of the same deficiencies in its review which will be touched on later in this letter.

CORRA's position is that the report should be sent back for further review.

COMMENTARY ON THE ZONING AMENDMENT RECOMMENDATIONS OF THE CHANGING LANES REPORT

Landscape Requirement Changes

When CORRA looked at the proposed standard exempting a pedestrian walkway up to a maximum width of 2.1 m, CORRA thought this must be a typo and the exemption should have been 1.2 m.(or 4 feet), not almost 7 feet.

Given the impacts such a hard surface would have on tree roots and infiltration of water, this amendment does not seem to comply with the Official Plan policies let alone any common concept of sustainable development.

This proposed amendment is repeated for soft landscaping in the front adjacent to the lane.

CORRA's review of 569-2012 notes the following:

the side yard setback for the principal building in R Districts under 10.10.40.70 (s) is 0.9 m and if there are no side windows 0.45 m.

In RD districts under 10.20.40.70 (3) (A) the setback for principal buildings, if less than 6 metres then 0.6 and under (B) if the lot is between 6 metres and 12 metres then the setback is 0.9 metres. Given access from the front of the principal building to the rear of the lot, assuming no mutual walkway would at the most be 0.9.

Under 10.5.100.1 (2) for parking that is not in the front yard on a lot with a frontage of 6 to 23 metres the maximum width is 2.6 metres or only 0.5 metres more then the proposed amendment of 2.1 m.

Thus looking at 569-213 as a whole setting the maximum at 2.1 for the hard surface is excessive, given there is already for a provision of up to 15% for hard surfaces.

In addition, if the normal path along the side of a house, unless there is a mutual right of way, would be 0.9 m then CORRA fails to understand why once you pass the main building the "walkway" needs to be 2.1 metres.

Taking the need to preserve tree canopy, green house effects of paved areas and impacts on the ability of soil to drain, this proposal will undermine all those goals.

It is as though Planning deems the provision of housing as trumping tree canopy, drainage and reduction of hard surfaces and the consequent impacts on. climate

CORRA does not support the proposed change for the aforesaid and other reasons to follow and finds 2.1 m to be excessive to say the least and fails to understand why the walkway cannot be accommodated within the existing 15 % permission for hard landscaping.

Abutting Rear Yard and Side Yards

CORRA notes that limiting the setback to the area above 4 m. and given the concerns raised by neighbours on the impact of such structures to the adjacent building and yards combined with the proposed increase in the height is not supportable . . .

Proposed Changes to Rooftop Equipment

CORRA notes the change from 1 m setback to 1.5 as potentially desirable but

undermined by the decision to increase the height of such equipment to 1.5 m. from 1 m. and so CORRA can not support the same.

Laneway Suite Height Changes

There is no justification for this change given the few number of applications that seek it as set out in the commentary in regard to the Gladki Report. CORRA notes and supports the comments made by other groups opposed to this change.

Other Proposed Changes

CORRA finds the report lacks sufficient information for CORRA to comment at this time.

Technical Changes

CORRA is not sure that these changes are technical and will need to see the specific by-law wording to comment on the same.

GENERAL COMMENTS OF THE CHANGING LANES REPORT

CORRA notes that there are 239 applications between 2018 and 2021 [CORRA notes that the Gladki Report has a different number]. The report then notes of those 239,185 went to the Committee of Adjustment and of those 42 were withdrawn or refused; however it is not clear how that relates to those filed in 2021.

The amendments appear to be based on the Committee of Adjustment applications. The variances are few in number in the totality of building permit applications.

CORRA questions why such few exceptions to each specific regulation are being used to undermine the existing regulations when the vast number of building permit applications can comply. CORRA does not consider this to be an appropriate test. Further CORRA notes no consideration has been given to the impacts of the change on adjacent properties.

The Other Observations Chapter notes that the average size is 900 sq ft and the median is 800 sq ft . If this was a full review why would not the maximum permitted size of a laneway suite have not been considered as part of the review.

Again, little weight appears to be given to the impacts on adjacent properties while a great deal of time is spent with considering the opinion of those seeking changes.

COMMENTARY ON THE GLADKI REPORT

The Gladki report seems to spend time looking at the challenges faced by persons building laneway housing but like the Changing Lanes Report spends scant time considering the concerns of adjacent neighbours or resident associations.

Here are some thoughts in regard to the report.

It is of interest the concerns of builders of laneway suites are reviewed over several pages (30-34), while the concerns of residents gets two pages and a cursory summary of the same. It is clear more weight and consideration was given to the industry then the community.

An examination of the data supporting these changes appears to have elements of the “tail wagging the dog” scenario.

Page 6 of the report notes 74% of building permit applications do not need to seek variances. This appears to be out of 306 applications (page 5). There were 185 variance applications.(page 6), These two numbers do not gel for some reason.

On page 30 there is a useful summary of the actual number of applications versus percentages. So the justification for increasing the height is based on 7 applications that were approved. So 7 properties are considered sufficient evidence to justify this change. That is 7 out of the presumed 306 building permit requests or 2% of all building permits. Rear landscape was 10 out of the 306 or 3%. For the 85% soft landscaping request for variance, the number approved was 23 out of 306 or 7%.

In addition the analysis doe not indicate the range in the size of each variance request was from the regulation in each case nor the prevailing mean of those requests.

The only conclusion CORRA can reach is that the analysis was to justify “cutting red tape” not a full review of the impacts and whether the present regulations strike an appropriate balance between encouraging development and other public polices and the impacts on adjacent properties.

CONCLUSIONS

Given there is a 15% permission for hard landscaping which should be sufficient to accommodate a walkway . There is a lack of sufficient information to support exempting walkways in addition to the 15% already allowed. In any event CORRA finds 2.1 m excessive and indicative of the permissive nature of the proposed amendments.

There is insufficient justification for height increases or rear landscape buffer or the rear yard setback other than to satiate the demands of the industry based on the limited number of examples provided.

Therefore:

CORRA RECOMMENDS THAT A FULL REVIEW BE DONE EXAMINING SUCH MATTERS AS TREE CANOPY, DRAINAGE AND IMPACTS ON ADJACENT PROPERTIES.

SUCH REVIEW SHOULD INVOLVE DIRECT COMMUNICATIONS WITH THOSE IMPACTED NOT JUST THOSE WHO SEEK THE VARIANCES.

IN THE EVENT THE COMMITTEE DECLINES TO SEND THE REPORT BACK FOR FURTHER STUDY CORRA REQUESTS THAT THIS MATTER BE ADJOURNED AT A MINIMUM FOR PROPER NOTICE AS REQUIRED BY THE OFFICIAL PLAN.

CORRA FURTHER REQUESTS THAT THE PROPOSED AMENDMENTS NOT BE APPROVED IN THERE PRESENT FORM.

Submitted on behalf of the
Confederation of Resident and Ratepayer
Associations in Toronto (CORRA)

William H. Roberts, Chair
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